



CITY COUNCIL

Evidentiary Hearing

**Public Hearing
Conditional Use
400 N 6th Street**

**add 5 additional rental units to an existing non-conforming
commercial use with a 1-unit rental**

**Thursday, August 17, 2023
Council Chambers & Hybrid
5 pm**

City Council meetings, hearing and other sessions are filmed and can be viewed LIVE while the meeting is taking place via the attached Zoom link and dial-in phone number, on Facebook and on BCTV MAC Channel 99 or at your convenience at <https://www.readingpa.gov/content/city-council-video>. Comments posted in Zoom Chat and on Facebook are not considered public comment and a response may not occur.

Public Comment Instructions:

Citizens desiring to address the Council at its public hearing may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled hearing. Any person who fails to sign in with the City Clerk shall not be permitted to speak until all those who signed in have done so. Those testifying must limit their comments to three minutes. Citizens may also choose to submit written public comment via letter or email by sending a letter or email clearly marked "public comment" by 4:00 p.m. on the day of the meeting.

All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any comment that is personally offensive or impertinent will not be read into the record.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://readingpa.zoom.us/j/84783218372?pwd=b2psb3BJQ3RsellGL091eURkU212Zz09>

I. Call to Order & Purpose

The purpose of this hearing is obtain testimony on the Conditional Use Application for 400 N 6th to add 5 additional rental units to an existing non-conforming commercial use with a 1-unit rental.

§ 600-1201. Criteria and limitations.

A. No conditional or special exception use shall be approved if it:

- (1) Substantially increases traffic congestion along a street or creates a traffic safety hazard.
- (2) Creates an undue concentration of population.
- (3) Impairs an adequate supply of light and air to adjacent property.
- (4) Creates a significant threat to the public health or safety.
- (5) Is detrimental to the appropriate use of adjacent property through the generation of significant nuisances or hazards.
- (6) Does not meet the requirements of this chapter.

§ 600-1203. Conditions for conditional uses.

D. Conversions. This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units. The conversion of an existing one-family detached dwelling, one-family attached dwelling or one-family semidetached dwelling into two or more dwelling units shall be prohibited, as per §§ [600-803](#) and 600-804. [Amended 2-14-2011 by Ord. No. 8-2011; 12-16-2013 by Ord. No. 83-2013]

(1) A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.

(2) The conversion shall have the minimum floor area as designated by the following schedule:

Apartment	Square Feet
Efficiency or studio	Not allowed
One-bedroom	550

Two-bedroom	700
Three or more bedroom	850

(3) For each dwelling unit, there shall be a minimum 1 1/2 off-street parking spaces per unit.

(4) Documents indicating to the City Codes staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

(5) See also the requirements of [Chapter 308](#), Housing, including but not limited to requirements for the designation of a local agent if the owner does not live locally.

II. Testimony from Applicant (No more than 10 minutes)

Owned by LXR PA 1 LLC – Brian O’Neill

- **Council’s Cross Examination**

III. Testimony from Planning Staff (No more than 10 minutes)

- **Council’s Cross Examination**

IV. Public Comment (No More than 3 minutes per speaker)

V. Rebuttal from Applicant (no more than 5 minutes)

VI. Announcement of expected date of decision

City Council will render a decision by adopting a resolution at either the August 28th or September 11th Regular Meeting of Council.

VII. Adjourn to Strategic Planning Meeting

Ownership Information County of Berks Parcel Search Report Created July 26, 2023

Page 1 of 1

07530767823512

400 N 6TH ST

LXR PA 1 LLC

812 DARBY RD UNIT A HAVERTOWN PA 19083

530767823512

2022020913

20220520

160000

NOT ENROLLED

07088475

20700

20700

45800

66500

COMMERCIAL

4126 0.06

COMMERCIAL BUILDING.ACCEPTED: 01-JUL-05

NAME1

TORRES NANCY RIVERA- & DELACRUZ JOSE
TORRES NANCY RIVERA- & DELACRUZ JOSE
TORRES NANCY RIVERA- & DELACRUZ JOSE
TORRES NANCY RIVERA- & DELACRUZ JOSE
AREVALO MARIO
FANA FELIPE
CORCHADO ROBERTO & RAMONA
CASTENEDA J JESUS
TORRES GUMERSINDO RAMOS & CARMEN MELENDEZ-
DOMINGUEZ EVELYN A
CINTRON ANGEL L
BAEZ MARIA N
ESMURRIA ANTONIA & ESMURRIA JOSE & MARY
RUIZ ERICA MARIE
531 BUTTONWOOD ST LLC
531 BUTTONWOOD ST LLC
531 BUTTONWOOD ST LLC
531 BUTTONWOOD ST LLC
531 BUTTONWOOD ST LLC
THOMAS EVAN
AREVALO MARIO
AREVALO MARTHA E & MARIO
HIBSHMAN DOROTHY A & MARK S & CATHY L & JOHN L
RICK & PREET LLC
G K JEHOVAH LLC
FANA FELIPE
LXR PA 1 LLC

SANTOS PETRA ALTAGRACIA

FULLMAILAD

432 N 9TH ST READING PA 19601
432 N 9TH ST READING PA 19601
432 N 9TH ST READING PA 19601
432 N 9TH ST READING PA 19601
348 N 6TH ST READING PA 19601
1420 ROCKLAND ST READING PA 19604-1431
401 CHURCH ST READING PA 19601-3019
403 CHURCH ST READING PA 19601-3019
405 CHURCH ST READING PA 19601-3019
409 CHURCH ST READING PA 19601
412 N 6TH ST READING PA 19601-3010
414 N 6TH ST READING PA 19601-3010
416 N 6TH ST READING PA 19601-3010
407 CURCH ST READING PA 19601
20 ZENTA RD UNIT 301 MONROE NY 10950
20 ZENTA RD UNIT 301 MONROE NY 10950
20 ZENTA RD UNIT 301 MONROE NY 10950
20 ZENTA RD UNIT 301 MONROE NY 10950
20 ZENTA RD UNIT 301 MONROE NY 10950
106 LANGFORD CR LANCASTER PA 17601
348 N 6TH ST READING PA 19601-3008
348 N 6TH ST READING PA 19601
542 BUTTONWOOD ST READING PA 19601-3044
10 GIBRALTAR RD READING PA 19606
6430 NW 201ST TER HIALEAH FL 33015-2151
1420 ROCKLAND ST READING PA 19604-1431
812 DARBY RD UNIT A HAVER TOWN PA 19083
3675 N COUNTRY CLUB DR APT 210 AVENTURA FL 3
1705

STAPLES

PUBLIC HEARING
THURSDAY, AUG 17, 2023 at 5:00pm
COUNCIL CHAMBERS, CITY HALL
Re 400 N 6th Street

City Council is holding the hearing to obtain public comment on the Conditional Use application add 5 rental units to 400 N 6th St which is currently a non-conforming commercial use with a 2-unit rental

*Call the Council Office to register to participate or
for additional information - 610 655 6204
or email council@readingpa.gov*

touch | 838

CTOR.

2023.7.28 14:02





CONDITIONAL USE APPLICATION CHECKLIST

Property Address 400 N. 6th Street

Application # CU- 2023 - 02

Date Received MAY 15 2023

The following documentation must be submitted with each conditional use application. Upon submission of an application, staff will review the application and notify the applicant of any deficient information. If any information is deficient, a public hearing cannot be scheduled until all required information is received. A public hearing will be scheduled within 60 days of receipt of required information.

Required Item	Staff use:	Notes (if deficient)
(1) <i>Zoning Permit</i> . A zoning permit must be submitted and a review/denial letter issued before submission of a conditional use application.	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	
(2) <i>Conditional Use Application</i> . All items must be completed or marked "N/A" if not applicable. Application must be signed by applicant. Corporations, LLCs, and other entities must be represented by an attorney.	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	
(3) <i>Owner authorization</i> . If applicant is not the sole record owner of property, authorization from all owners or the legal representative (e.g., attorney for corporation or LLC) is required.	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	
(4) <i>Plot plan</i> . Must accurately depict proposed construction, additions or changes; existing lot size and use(s) on lot; and all relevant dimensions. Plans must be clear, legible, and accurately drawn to scale. Three (3) hard copies must be provided as well as one digital copy (in PDF format). <i>Note: the zoning ordinance requires that applications for certain uses include architectural drawings.</i>	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	
<i>Fees</i> . The following fees apply to conditional use applications: Conditional Use Hearing Fee \$1200 Plan Review Fee \$120 (Applies to revised/corrected plans submitted after the initial zoning permit application)	<input type="checkbox"/> Complete <input type="checkbox"/> Deficient	

- ☐ This application has been reviewed and is scheduled for public meetings/hearings on the following dates:

Planning Commission Meeting: _____, 20____ at 6 p.m.

City Council Public Hearing: _____, 20____ at ____:____.m.

During the COVID-19 Emergency Declaration, hearings/meetings will be held via Zoom and meeting instructions will be provided to applicant via email.

- ☐ This application has been determined to be incomplete and cannot be scheduled for public hearing at this time.

The requested information listed above must be provided no later than close of business on

_____, 20____ in order for the public hearing to be scheduled.

Reviewer name: _____ Title: _____

Signature: _____ Date: _____

Contact phone: _____ Email: zoning@readingpa.gov



**CITY OF READING
CITY COUNCIL**

CONDITIONAL USE HEARING APPLICATION

(PLEASE PRINT CLEARLY OR TYPE IN BLUE OR BLACK INK)
(Prior to filing, the proposal should be discussed in detail with the City Zoning Administrator)

1. Name of Applicant LXRPA1.LLC / LXR Holdings
2. Mailing Address of Applicant 812 Darby Road, Suite A
Havertown, PA 19083
3. Phone number of Applicant (day phone) 610-724-4992
4. Cell Phone number of Applicant Same
5. E Mail Address of Applicant brian.oneill.jr@gmail.com
6. Property Interest of Applicant Owner
(owner, renter, contract purchaser, etc.)
7. Tax Assessor's Parcel Number and Legal Description of Subject Property (the
parcel number is mandatory to begin processing of the application
07530767823512)
8. Street Address of Subject Property 400 N. 6th Street, Reading, PA 19601
9. City of Reading Business License No. N/A
10. Zoning District of Property R-3 Residential
11. Name of Property Owner Same as Applicant

12. Mailing Address of Property Owner (if different from applicant)

Same as Applicant

13. Name of Contact Person or Attorney for Project (this is the single point of contact that should receive all notices, mailings, information, etc.)

Joan E. London, Esquire / Kozloff Stoudt P.C.

14. Address of Contact Person 2640 Westview Drive

Wyomissing, PA 19610

15. Phone number of Contact Person (day number) (610) 670-2552

16. E Mail address of Contact Person jlondon@kozloffstoudt.com

17. Nature of the Request (be specific) Conversion to residential apartments with storefront retail

18. Site Area of subject property is square feet. Approximately 2613.6 sq. ft.

19. Total gross floor area of new construction See attached plans for dimensions. No changes to footprint.

20. How many off-street parking spaces are available Will be rented from public or private source.

21. List the name of the trash collector who services this property
Name to date, most likely will be Hollenbaugh's Trash and Recycling.

22. Your application will be judged against the following criteria. Please answer these questions thoughtfully and attach additional pages as needed.

A. Explain how the proposed use will promote the health, safety and general welfare of the community:

The use will remediate and revitalize an older building and provide affordable, code-compliant housing, at a rent, per company policy, of 27% median. The appearance of the building will be improved, while keeping architectural features.

B. Explain how the proposed use will satisfy the purpose and intent of the land use zone in which it is located:

The R-3 District, per Section 600-702A.1, provides for highest residential densities and multi-family apartments. This project improves and converts an existing former commercial / residential building to code-compliant apartments with ground floor retail space.

C. Explain how the proposed use will not be detrimental to the surrounding neighborhood:

The use will create apartments meeting size and area requirements, and will remediate an older building. There will be parking provided on and off-site, and there will be no over concentration of population or impairment of use of nearby structures.

D. Explain how the proposed use will:

- (1) Be harmonious with the general policies and specific objectives of the Comprehensive Plan (ask Planning Staff for assistance):

The proposed use is permitted under the zoning ordinance, and is in a district intended for multi-family apartment buildings where facilities and infrastructure are best suited to higher density housing.

- (2) Enable the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and Plan:

There will be no charges to the footprint or building envelope, so there will be no impediment to expansion of public roads or utilities.

- (3) Be designed so as to be compatible with the essential character of the neighborhood:

There will be no exterior changes beyond repairs and maintenance to improve appearance, and the neighborhood is one intended for apartments and mixed use buildings.

- (4) Be adequately served by public facilities and utilities including drainage provisions:

Building is served by public sewer and water, and as there will be no changes to building footprint, there will be no impact on storm drainage.

- (5) Not create excessive vehicular congestion on neighborhood collector or residential access roads;

Off street parking is being provided with one on-site space, and the addition of five apartments and walk-in retail space, on a main thoroughfare intended for traffic, will not create vehicular congestion.

- (6) Not create a hazard to life, limb, or property resulting from the proposed use, or by the structures used therefore, or by the inaccessibility of the property or structures thereon:

The intention of this project is to provide code-compliant housing which is clean, safe and affordable.

- (7) Not create influences substantially detrimental to neighboring uses. "Influences" shall include, but not necessarily be limited to: noise, odor, smoke, light, electrical interference, and/or mechanical vibrations:

The building is designed in a manner and will be constructed in a manner as to meet all codes and ordinances intended to protect resident and public safety and quality of life.

- (8) Not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence:

The architectural features and exterior will be preserved and maintained with rehabilitation where needed.

Acknowledgement and Signature:

The undersigned hereby represents upon all of the penalties of law, for the purpose of inducing the City of Reading City Council to take the action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Reading and the laws of the Commonwealth of Pennsylvania.


Signature of Applicant

05-08-2023
Date

Brian O'Neill Jr / LXR PA 1 LLC
Printed Name of Applicant

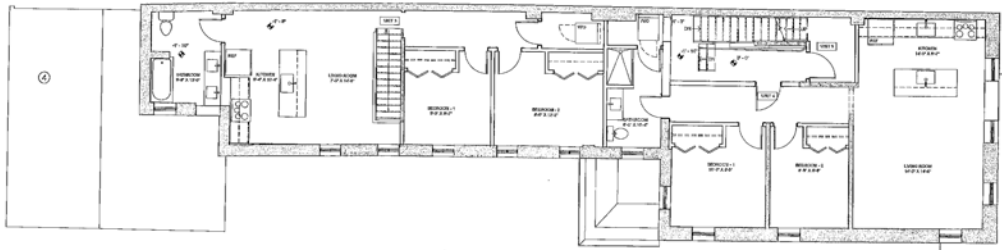
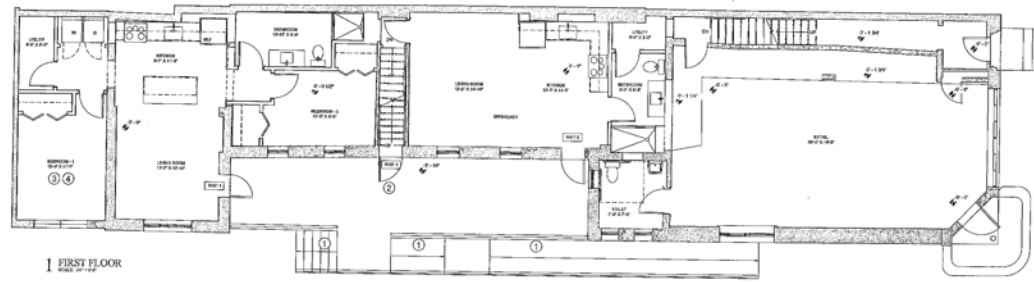

Signature of Property Owner (in different from Applicant)

LXR PA 1 LLC
Printed Name of Current Fee Owner

Does the applicant require a translator? ____ Yes ☒ No.

If a translator is required please indicate the dialect required

✓



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
2	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
3	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
4	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
5	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
6	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
7	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
8	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
9	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
10	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS

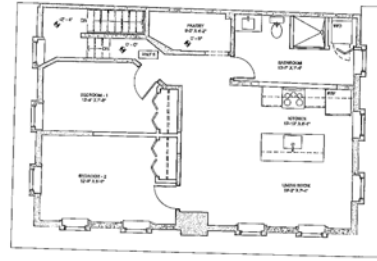
NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
2	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
3	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
4	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
5	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
6	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
7	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
8	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
9	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS
10	ISSUED FOR PERMIT	11/11/2022	PHILLIPS	PHILLIPS

PHILLIPS ASSOCIATES

PHILLIPS ASSOCIATES
200 S. 10TH STREET
PHOENIX, AZ 85001
PROPOSED FIRST
AND SECOND FLOOR PLANS

LXR HOLDINGS - APARTMENT
RENOVATIONS
200 S. 10TH STREET
PHOENIX, AZ 85001
PROPOSED FIRST
AND SECOND FLOOR PLANS

A1



3 THIRD FLOOR
SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION	DATE	BY	CHECKED
1	REVISION			
2	REVISION			
3	REVISION			
4	REVISION			
5	REVISION			
6	REVISION			
7	REVISION			
8	REVISION			
9	REVISION			
10	REVISION			

10/10/2022

philips | associates
 512.147.1111 | 147.1111.5122
 PHILIPS ASSOCIATES
 Progress 24 Jan 2023

LXR HOLDINGS - APARTMENT
RENOVATIONS
 PHASE 2 - 3RD FLOOR
 PROPOSED
 AND THIRD FLOOR PLAN

A2
 1/8" = 1'-0"



CITY OF READING ZONING PERMIT

DENIED

07530767823512

TAX PARCEL ID # 07-5307-67-82-3512

PERMIT # 2022-647

THIS BOXED AREA TO BE COMPLETED BY THE APPLICANT

Be aware PA crimes codes CC4904 provides for penalties for false statements or misrepresentations

SUBJECT ADDRESS 400 N. 6th St 19601
NUMBER STREET ZIP CODERECORDED DEED PROPERTY OWNER NAME(S): LXR PA 1 LLC
610-724-4992 812 Darby Rd, STE A, Havertown, PA 19063
TELEPHONE # NUMBER STREET ZIP CODE

APPLICANT MUST HAVE PROPER LEGAL STANDING TO SUBMIT THIS PERMIT APPLICATION

LXR PA 1 LLC 610-724-4992 Brian.O'Neill Jr@gmail.com
APPLICANT NAME TELEPHONE # EMAIL
812 Darby Rd, STE A, Havertown, PA 19063
APPLICANT'S ADDRESS - NUMBER STREET ZIP CODEAPPLICANT IS: OWNER ☒ TENANT ☐ CONTRACTOR ☐ BUSINESS PRIVILEGE LICENSE Y/N? ☐

IF APPLICANT IS A CONTRACTOR, PROVIDE BUSINESS PRIVILEGE LICENSE NUMBER

APPLICANT SIGNATURE: [Signature] 10-03-2022
NAME DATE SUBMITTED

DESCRIBE EXISTING USE: Storefront with Residents 1-2 apartments

DESCRIBE PROPOSED USE: Storefront with 5 apartments within existing building, no change to footprint or building envelope

LAST APPR'D USE: transfer - bakery

PROPOSED USE: conversion

PURPOSE: A NEW, RELOCATED, OR EXPANDED STRUCTURE, PARKING AREA OR SIGN ☐ CREATION OF A USE ☐
CHANGE OF USE (INCL TO NUMBER OF DWELLING UNITS) ☐ NON-CONFORMING USE, BLDG OR LOT ☐

APPROVED: DENIED

ZONING OFFICIAL

DATE

ZONING DISTRICT: R-3

COMMENTS:

DENIED: Emily Kline-McLardy 12/29/22 REASON(S) FOR DENIAL: SEE ATTACHED LETTER
ZONING OFFICIAL DATE

ZHB: DATE: GRANTED DENIED PC: PLAN RECORDED Y/N N/A

ATTN: ADDITIONAL PERMITS AND/OR APPROVALS MAY ALSO BE REQUIRED BY THE CITY DEPARTMENTS BELOW:

BLDG CODES HEALTH/HOUSING FIRE PUBLIC WORKS HISTORIC PLANNING

This permit applies to ZONING ONLY and shall not relieve the applicant from obtaining other such permits as may be required by law. Violation of any provision of this ordinance, including falsification of information on this permit shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days.

DATE STAMP RECEIVED

DEC 15 2022